



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE JANUARY 13, 2011 GENERAL SESSION

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 10:05a.m.

2. Roll Call:

Present in Las Vegas: Commissioner Michael J. Kloberdanz, Commissioner Monica B. Metz, Administrative Attorney James Allen Day, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief Inspector Michael Bradford, Senior Deputy Attorney General David Newton.

Present In Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman Andrew J. MacKay led a recital of the Pledge of Allegiance.

4. **Approval of Agenda

Administrative Attorney James Allen Day requested that items 9(b), 10(a), 10(e), 12(a)(2), and 12(b)(11) be removed from the Agenda. Approved as modified by a vote of 3-0.

5. **Approval of the Minutes of the December 9, 2010 Agenda Meeting

Approved by a vote of 3-0.

6. Briefings from the Commissioners

Commissioner Metz reported that the Authority's regulations had been adopted by the Legislative Commission.

Chairman MacKay thanked Commissioner Metz for her work on the regulations, and thanked enforcement staff for their extraordinary efforts in the past month.

7. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski congratulated and thanked Commissioner Metz for stewarding the regulations through the adoption process, and reported that the Authority had hired a new legal secretary, Rita Brownawell.

8. Report of Legal Counsel

Senior Deputy Attorney General David Newton reported that he was in court Monday, January 10, 2011 on the Handicab Petition for Judicial Review, that the judge allowed Handicab additional time to amend its Petition, and that a hearing date is set for May 2011. SDAG Newton further reported that the Nevada Supreme Court issued a ruling in the Yellow-Checker-Star case regarding the population of Washoe County, a case in which SDAG Newton had filed a friend of the court brief.

9. ****Applications for Fully Regulated Carriers**

- a) **Docket No. 09-01007** The Application of Omni Limousine, Inc. for an expansion of the operating authority granted under Certificate of Public Convenience and Necessity (hereinafter "CPCN") 1084, Sub 1. (MJK)

Commissioner Kloberdanz summarized the procedural history of the case, reiterated his prior findings, and ultimately recommended that the Application be approved with the Authority adding, pursuant to NRS 706.391(7)(b) and NRS 706.391(8), a fleet restriction reflecting an expansion of only 12 vehicles rather than the 19 currently sought. Chairman MacKay stated that he had previously voted to deny the Application, and since there is no different or additional evidence on the record, he still does not support the Application. By a vote of 2-1, with Chairman MacKay in opposition, the Authority voted to Grant the Application with a fleet restriction reflecting an expansion of only 12 vehicles rather than the 19 currently sought.

- b) **Docket No. 10-05004** The temporary discontinuance from May 16, 2010 through November 16, 2010 of services provided by ATV Action Tours, Inc. under CPCN 1039, Sub 1. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

10. ****Financial Rates and Tariffs**

- a) **Docket No. 10-04008** The Application of Anderson Towing Service, Inc. d/b/a Anderson Towing & Transport for approval of a tariff rate modification for tow car services conducted under CPCN 7159. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

- b) **Docket No. 10-06015** The Application of D & S Tow, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7045, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and expressed Staff's support for the Application. Commissioner Metz thanked Ms. Shelton for her extraordinary efforts on all of the tariff filings. Commissioner Kloberdanz and Chairman MacKay echoed the sentiments expressed by Commissioner Metz. Dave Walters was present on behalf of the Applicant. Mr. Walters thanked Authority Staff for their assistance with the Application. Approved 3-0.

- c) **Docket No. 10-06021** The Application of Christian Enterprises, Inc. d/b/a Pro Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7087, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and expressed Staff's support for the Application. Commissioner Kloberdanz thanked NTA Staff members Vivian Macek and Karen Rayson for the efforts in updating Agenda binders with last-minute filings in tariff matters. Approved 3-0.

- d) **Docket No. 10-08022** The Application of Exotic Limousines, Inc. d/b/a Exotic Limousines for approval of a tariff rate modification for charter limousine services conducted under CPCN 1095. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and expressed Staff's support for the Application. Approved 3-0.

- e) **Docket No. 10-10008** The Application of Roy Testa d/b/a Welcome's Auto Body Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7017, Sub 3. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

- f) **Docket No. 10-12003** The Application of Jacob Transportation. LLC dba Executive Las Vegas for approval of a tariff rate modification for charter limousine services conducted under CPCN 1062, Sub 5. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and expressed Staff's support for the Application. Approved 3-0.

11. ** Petition to Deviate from Regulations:

Docket No. 11-01003 The Petition to Deviate from Regulations pursuant to NAC 706.1305 filed by Alan Waxler Group Charter Service, LLC dba AWG Charter Services (CPCN 1068.3) and Ambassador Limousine Limited Partnership dba Ambassador Limousine (CPCN 1041.3) seeking Authority approval for the Petitioners to stage vehicles at the passenger curb loading zone of the Palms Casino Resort without displaying the signs required by NAC 706.228(3) as amended by LCB File No. R127-07.

Chairman MacKay summarized the Petition. Attorney Brent Carson was present on behalf of the Applicants. In response to question from Commissioner Metz as to how the carriers could assure that hotel property door staff would quote accurate rates for varying carriers, Mr. Carson stated that the Applicants have entered into an exclusive door agreement with the Palms, assuring familiarity with the Petitioner's rates. Granted 3-0.

12. **Consent Items

- a) Applications for Certificates of Public Convenience and Necessity to Provide Tow Car Service

- 1) **Docket No. 10-06007** The Application of Branden Lantz d/b/a Cowboy Recovery for a CPCN to provide tow car service by tow car within the State of Nevada. Pursuant to Compliance Order, Deputy Commissioner vacating Order and dismissing the Application unless ordered otherwise by the Authority. Staff investigation concluded.

Chairman MacKay noted that the Applicant had reported to NTA Staff his intent to abandon the Application. Commissioner Metz noted that the Applicant has failed to appear at the Agenda Meeting. The Authority by a vote of 3-0 directed Deputy Commissioner Skibinski to vacate the prior final Order and dismiss the Application.

- 2) **Docket No. 10-10006** The Joint Application of Ronald W. Wallace for authority to sell and transfer and of Milton George Masters and Anthony J. Malaro to purchase and acquire 100% of the corporate stock of A-1 Towing & Storage, Inc., a carrier authorized

to provide tow car service by tow car vehicle within the State of Nevada under CPCN 7110. Staff investigation concluded.

This item was removed from the Agenda prior to consideration.

- 3) **Docket No. 10-11002** The Joint Application of Milne Towing, LLC d/b/a Milne Towing for authority to sell and transfer and of Baumbach Enterprises, LLC d/b/a Milne Towing Services to purchase and acquire the authority to provide tow car service by tow car vehicle within the State of Nevada under CPCN 8003. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the Application and expressed Staff's support for the Application. Tom and Tana Baumbach were present on behalf of the Applicant. Mr. Baumbach thanked the Authority Staff for their assistance in the Application process. Approved 3-0.

b) Administrative Citations and Impoundments

Items 1-10 and 12-27 were collectively approved 3-0.

- 1) **Citation 14464** issued to Burnett Bergeson for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 2) **Citations 15241 and 15242** issued to Kenneth Scott Coley for violations of NAC 706.247/49 CFR 391.41, NAC 706.329 and NRS 706.758. (MJK)
- 3) **Citation 15290** issued to Anthony Hayward for a violation of NAC 706.228. (MJK)
- 4) **Citation 15292** issued to John Carlos Gardner for violations of NRS 706.758 and NAC 706.329. (MJK)
- 5) **Citation 15362** issued to Barry Sabine for violations of NAC 706.228(3) as amended by LCB File No. R127-07, NAC 706 as amended by LCB File No. R127-07(1), and NAC 706.247/49 CFR 391.41. (MJK)
- 6) **Citation 15364** issued to Vladislav Gorogovschii for violations of NRS 706.386 and NRS 706.758. (MJK)
- 7) **Impound 1804** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gheorghe Vartic. (MJK)
- 8) **Citation 14987** issued to Mohamud Alwi Sharif for a violation of NAC 706 as amended by LCB File No. R127-07(1). (MBM)
- 9) **Citation 14990** issued to Aaron Scott Thomas for a violation of NAC 706.354. (MBM)
- 10) **Citation 15245** issued to Nabil H. Mezher for a violation of NAC 706.228(3) as amended by LCB file No. R127-07. (MBM)
- ~~11) **Citation 15260** issued to Experience Moving for violations of NRS 706.386 and NRS 706.758. (MBM)~~

This item was removed from the Agenda prior to consideration.

- 12) Citation 15342** issued to Randall D. Carlson for a violation of NAC 706.228. (MBM)
- 13) Citation 15351** issued to Quality Towing Inc for a violation of NAC 706.420. (MBM)
- 14) Impound 1647 and Citation 15303** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15303 issued to Kun Li for a violation of NRS 706.386. (MBM)
- 15) Impound 1805 and Citation 15369** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15369 issued to Jose Lopez-Molina for violations of NRS 706.386 and NRS 706.758. (MBM)
- 16) Citation 15264** issued to Day & Night Towing for a violation of NAC 706.311(1)(a).
- 17) Citation 15270** issued to Thomas Lucero for violations of NRS 706.386 and NRS 706.758.
- 18) Citation 15283** issued to Bruk Zeleke for violations of NAC 706.354 and NAC 706.329.
- 19) Citation 15285** issued to AAA Towing for violations of NAC 706.420 and NRS 706.171(d).
- 20) Citation 15287** issued to Andrey Motsny for a violation of NAC 706.329.
- 21) Citation 15288** issued to Vitaliy A. Striganov for a violation of NAC 706.329.
- 22) Citation 15295** issued to AAA Towing for a violation of NAC 706.420.
- 23) Citation 15350** issued to Cheikh Tall for a violation of NAC 706.228.
- 24) Citation 15357** issued to Alejandro Questa for a violation of NAC 706 as amended by LCB File No. R127-07(1).
- 25) Citations 15359 and 15360** issued to Dong Wook Lee for violations of NAC 706.354, NAC 706.3612, NAC 706.247/49 CFR 391.41, NAC 706.228(3) as amended by LCB File No. R-127-07, NAC 706.228(4) as amended by LCB File No. R-127-07, and NAC 706.228(5) as amended by LCB File No. R-127-07.
- 26) Citation 15363** issued to Amareah Woldemariam for a violation of NAC 706.247/49 CFR 391.41.
- 27) Citation 15367** issued to AAA Towing for a violation of NAC 706.420.

13. Public Comment

None.

14. Adjournment

Adjourned at 10:55am.